

## **§ 408.621**

### **§ 408.621 What is our order of preference in selecting a representative payee for you?**

We use the preference list in § 404.2021(a) of this chapter as a guide in selecting the proper representative payee for you.

### **§ 408.622 Who may not serve as a representative payee?**

For a list of individuals who may not serve as a representative payee, see § 404.2022 of this chapter.

### **§ 408.624 How do we investigate a representative payee applicant?**

Before selecting an individual or organization as your representative payee, we investigate him or her following the rules in § 404.2024 of this chapter.

### **§ 408.625 What information must a representative payee report to us?**

Your representative payee must report to us information as described in § 404.2025 of this chapter.

### **§ 408.630 How will we notify you when we decide you need a representative payee?**

(a) We notify you in writing of our determination to make representative payment. If you are legally incompetent, our written notice is sent to your legal guardian or legal representative. The notice explains that we have determined that representative payment is in your interest, and it provides the name of the representative payee we have selected. The notice:

(1) Contains language that is easily understandable to the reader.

(2) Identifies the person designated as your representative payee.

(3) Explains that you, your legal guardian, or your legal representative can appeal our determination that you need a representative payee.

(4) Explains that you, your legal guardian, or your legal representative can appeal our designation of a particular person to serve as representative payee.

(b) If you, your legal guardian, or your legal representative objects to representative payment or to the designated payee, you can file a formal appeal.

## **20 CFR Ch. III (4–1–12 Edition)**

### **§ 408.635 What are the responsibilities of your representative payee?**

For a list of your representative payee's responsibilities, see § 404.2035 of this chapter.

### **§ 408.640 How must your representative payee use your benefits?**

Your representative payee must use your benefits in accordance with the rules in § 404.2040 of this chapter.

### **§ 408.641 Who is liable if your representative payee misuses your benefits?**

For the rules we follow to determine who is liable for repayment of misused benefits, see § 404.2041 of this chapter.

### **§ 408.645 What must your representative payee do with unused benefits?**

If your representative payee has accumulated benefits for you, he or she must conserve or invest them as provided in § 404.2045 of this chapter.

### **§ 408.650 When will we select a new representative payee for you?**

We follow the rules in § 404.2050 of this chapter to determine when we will select a new representative payee for you.

### **§ 408.655 When will we stop making your payments to a representative payee?**

To determine when we will stop representative payment for you, we follow the rules in § 404.2055 of this chapter.

### **§ 408.660 What happens to your accumulated funds when your representative payee changes?**

For a description of what happens to your accumulated funds (including the interest earned on the funds) when we change your representative payee or when you begin receiving benefits directly, see § 404.2060 of this chapter.

### **§ 408.665 How does your representative payee account for the use of your SVB payments?**

Your representative payee must account for the use of your benefits. We require written reports from your representative payee at least once a year. We may verify how your representative

payee used your benefits. Your representative payee should keep records of how benefits were used in order to provide accounting reports and must make those records available upon our request. If your representative payee fails to provide an annual accounting of benefits or other required report, we may require your payee to appear in person at the local Social Security field office or a United States Government facility that we designate serving the area in which you reside. The decision to have your representative payee receive your benefits in person may be based on a variety of reasons. Some of these reasons may include the payee's history of past performance or our past difficulty in contacting the payee. We may ask your representative payee to give us the following information:

- (a) Where you lived during the accounting period;
- (b) Who made the decisions on how your benefits were spent or saved;
- (c) How your benefit payments were used; and
- (d) How much of your benefit payments were saved and how the savings were invested.

[71 FR 61408, Oct. 18, 2006]

### Subpart G—Reporting Requirements

**AUTHORITY:** Secs. 702(a)(5), 802, 803, 804, 806, 807, and 810 of the Social Security Act (42 U.S.C. 902(a)(5), 1002, 1003, 1004, 1006, 1007, and 1010).

**SOURCE:** 69 FR 25955, May 10, 2004, unless otherwise noted.

#### § 408.701 What is this subpart about?

To achieve efficient administration of the Special Veterans Benefit (SVB) program, we require you (or your representative) to report certain events to us. It is important for us to know about these events because they may affect your right to receive SVB or the amount of your benefits. This subpart tells you what events you must report; what your reports must include; how you should make your report; and when reports are due.

#### § 408.704 Who must make reports?

(a) If you receive your own benefits, you are responsible for making required reports to us.

(b) If you have a representative payee, and you have not been legally adjudged incompetent, either you or your representative payee must make the required reports.

(c) If you have a representative payee and you have been legally adjudged incompetent, you are not responsible for making reports to us; however, your representative payee is responsible for making required reports to us.

#### § 408.708 What events must you report to us?

This section describes the events that you must report to us. They are—

(a) *A change of address or residence.* You must report to us any change in your mailing address and any change in your residence, *i.e.*, the address where you live.

(b) *A change in your other benefit income.* You must report to us any increase or decrease in your other benefit income as described in § 408.220.

(c) *Certain deaths.* (1) If you are a representative payee, you must report the death of the entitled individual.

(2) If you have a representative payee, you must report the death of your representative payee.

(d) *Entry into the United States.* You must report to us if you enter the United States to visit or live even if you have no intention of abandoning your residence outside the United States.

(e) *Removal (including deportation) from the United States.* You must report to us if you are removed (including deported) from the United States under section 237(a) or 212(a)(6)(A) of the Immigration and Nationality Act.

(f) *Fleeing to avoid criminal prosecution or custody or confinement after conviction, or violating probation or parole.* You must report to us that you are—

(1) Fleeing to avoid prosecution, under the laws of the United States or the jurisdiction within the United States from which you flee, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which you flee (or which, in the case of the State of New